

## **REMARKS**

Claims 1 – 30 were pending in the application. With this Amendment, claims 4, 5, 16, and 2 – 23 are cancelled. Thus, claims 1 – 3, 6 – 15, 17 – 19, and 24 – 30 are pending.

Original claims 1 – 5, 7 – 9, 11 – 15, and 17 – 30 were rejected under § 102(e) as anticipated by Mizutani '160. Claims 6, 10, and 16 were rejected as obvious in view of Mizutani '160 and Sorebo '203.

By way of this Amendment, independent claim 1 is amended to essentially incorporate the subject matter of original claim 5. Claim 5 has been cancelled. In its amended form, claim 1 calls for the individually wrapped absorbent article to include an opening flap having lateral sides sealed to the pouch lateral sides along seal zones such that a user opens the pouch by separating the opening flap seals. The opening flap seals have a seal strength of between about 20 grams-force and 60 grams-force, and an opening noise level of less than 60 db. Claim 1 also calls for the wrapper material to comprise a first sheet of nonwoven material and an additional sheet of a film material attached thereto such that the nonwoven material defines the border region along the lateral sides of the pouch. The film material sheet is configured with the nonwoven material so as to generally line an interior of the pouch while at the same time leaving at least a portion of the nonwoven material exposed upon the wrapper material being folded into the pouch configuration.

Embodiments falling within the scope of amended claim 1 are illustrated, for example, in Figs. 3 and 4 wherein border regions 36 of the nonwoven material are provided outboard of the film material 50. The border regions 36 have a width that is

greater than the width 37 of the seal zones 40. Thus, when the wrapper material is folded into a pouch configuration, a portion of the border regions 36 form the seal zones 40 having a width 37, while the remaining portion of the border regions 36 essentially frame the film material 50 and are exposed (i.e., not covered by the film material). In the embodiment of Fig. 4, the border regions 36 extend along the lateral sides of the wrapper material, and not along the longitudinal ends. In the embodiment of Fig. 5, the film material 50 includes a pattern of holes or passages 56 defined through the film material 50. Thus, the nonwoven material is exposed through these holes or passages 56 upon folding the wrapper material into a pouch configuration.

Amended claim 1 encompasses pouch configurations having unique benefits and structural configurations. The opening flap seals are defined entirely by the nonwoven material and have a sufficient seal strength while producing a minimal amount of opening noise. At the same time, the pouch has the benefit of a film material within the interior of the pouch, while leaving at least a portion of the nonwoven material exposed. As described throughout the specification, the exposed portion of nonwoven material allows entrapped air to escape from the pouch during the manufacturing process. It is respectfully submitted that the pouch configuration as described and illustrated in Mizutani '160 does not anticipated amended claim 1, and does not render claim 1 obvious in view of any other reference of record.

The package 10 of the pouch according to Mizutani '160 is formed from a multi-layer laminate having an intermediate nonwoven layer 11 sandwiched between an inner and out nonwoven layer 12, 13. There is no mention or description of any sort of incorporation of a film material with the packaging material 10. Applicants acknowledge

that the sealed seams 25 in the pouch according to Mizutani '160 are formed entirely by the nonwoven material. However, the sealed portions 25 are not defined by a border region of the nonwoven material around a film material sheet. Mizutani '160 does not teach or suggest of a use of a film material sheet to line an interior of the pouch while leaving at least a portion of the nonwoven material exposed upon the wrapper material being folded into the pouch. Accordingly, applicants respectfully submit that amended claim 1 patentably distinguishes over Mizutani '160.

Sorebo '203 was cited against original claim 6 and describes a wrapper material 14 having a film layer 16 laminated to a fibrous material layer 18. The film may be a vapor permeable microporous film, and the fibrous material layer 18 may be a SMS laminate material.

As a first matter, applicant respectfully submits that Sorebo '203 is not a proper reference for use in a § 103 obvious combination against any claim of the present application. Sorebo '203 constitutes prior art to the present application under 35 U.S.C. § 102(e). However, the subject matter of the present application and the claimed invention of Sorebo '203 were commonly owned at the time the present invention was made. In particular, Sorebo '203 and the present application are commonly assigned to Kimberly-Clark Worldwide, Inc. Accordingly, under 35 U.S.C. § 103(c)(1), Sorebo '203 is not a proper reference in an obviousness rejection of any claim of the present application.

Even assuming that one skilled in the art would be motivated to include a film as an interior layer to the packaging material of Mizutani '160, as suggested by the Examiner, such a combination is still not in accordance with amended claim 1. Such a

combination would not result in a border region of nonwoven material that also defines the opening flap seals, or a portion of exposed nonwoven material upon the wrapper material being folded into a pouch.

Accordingly, applicant respectfully submits that amended claim 1 patentably distinguishes over Mizutani '160 alone or in combination with any other reference of record. Claims 2, 3, and 6 through 15 only further patentably define the unique combination of elements set forth in amended claim 1, and are allowable for at least the reasons claim 1 is allowable.

Independent claim 17 calls for an individually wrapped feminine care absorbent article package to include a wrapper material folded into a pouch. The pouch has at least one sealed seam that is opened by the consumer to retrieve the absorbent article. The wrapper material comprises a nonwoven material at the side that defines the sealed seam when the wrapper material is folded into the pouch. Thus, the sealed seam is defined by facing regions of nonwoven material. As amended, claim 17 further calls for the wrapper material to include a first sheet of the nonwoven material and a second sheet of a film material attached to the nonwoven material while leaving a border region of the nonwoven material for forming the sealed seam.

Applicants respectfully submit that claim 17 is allowable for essentially the reasons discussed above with respect to independent claim 1. In particular, Mizutani '160 alone or in combination with another reference does not disclose a pouch configuration wherein the wrapper material includes a sheet of film material attached to a nonwoven material such that a border region of the nonwoven material is defined for

forming a seal between facing regions of the nonwoven material when the wrapper is folded into a pouch configuration.

Claims 18, 19, and 24 only further patentably define the unique combination of elements set forth in independent claim 17 and are thus allowable for at least the reasons claim 17 is allowable.

Independent claim 25 has not been amended and calls for an individually wrapped absorbent article package to include a wrapper material folded into a pouch. A seal is provided in the wrapper material such that a user gains access to the absorbent article by opening the seal. The wrapper material includes a nonwoven material in at least a region along the seal such that the seal is formed completely of the nonwoven material. Claim 25 further calls for this seal to have a seal strength of between about 20 grams-force and about 60 grams-force. Applicants respectfully submit that claim 25 is not anticipated by Mizutani '160 as discussed below.

Mizutani '160 describes a particular peel strength between the release sheets 21, 22 and the packaging material 10. The Examiner concludes that this peel strength would also exist along the sealed portions 25. Applicants respectfully disagree with this conclusion. The peel strengths cited in Mizutani '160 are a function of the type of material used for the release sheets 21, 22, as well as the particular adhesive. On the other hand, the sealed portions 25 are formed by fusing the laminate packaging member 10 using a heat roll, as described at column 10, lines 13 through 17 of the reference. These seals are distinctly different from the release sheet adhesive seals. There are no values indicated whatsoever for the strength of the sealed portions 25, and the peel strengths of the release sheets 21 and 22 do not correlate to the strength

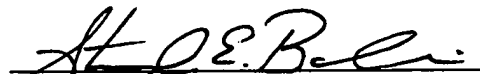
of the sealed portions 25. Thus, the peel strength values set forth in independent claim 25 are not disclosed by Mizutani '160. Accordingly, applicants respectfully submit that independent claim 25 is allowable, and that claims 26 through 30 depending from claim 25 are also allowable.

With the present Amendment, applicants respectfully submit that all pending claims are allowable, and that the application is in condition for allowance. Favorable action thereon is respectfully requested. The Examiner is encouraged to contact the undersigned at her convenience should she have any questions regarding this matter or require any additional information.

Respectfully submitted,

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